

REMARKS

The Office Action mailed September 19, 2007 has been received and reviewed. Prior to the present communication, claims 1–31 were pending in the subject application. All claims stand rejected. Each of claims 1, 2, 5–11, 13, 14, 17, 22, 25, 26, and 29 has been amended herein and claims 12, 23, 24 and 28 have been cancelled. Accordingly, claims 1–11, 13–22, 25–27, and 29–31 remain pending. Support for the amendments may be found in the Specification, for example at paragraph [0034], Figure 9, and paragraph [0052]. No new matter has been introduced by way of the amendments herein. Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

Rejections based on 35 U.S.C. § 112

Claims 2, 3, 5-11, 14, 15, 17, 18, 19 and 22 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More particularly, each of claims 2, 3, 5–11, 14, 15, 17, 18 and 22 have been rejected based upon inadvertent inconsistencies in claim language, improper antecedent basis and/or a claim's inadvertent dependence upon itself.

Claim 2 has been amended to recite “one of a controlling device or a controlled device” and to recite “ the user-configurable authorization module”. These amendments are believed to overcome the inadvertent inconsistencies of language for both claims 2 and 3.

Claim 5 has been amended to recite “the passive participant” and “a detecting device user interface”. These amendments are believed to provide proper antecedent basis

Claim 6 has been amended to recite “the active participant”, to recite “the user-configurable authorization module”, and “the device user interface of a detected active

participant”. These amendments are believed to overcome the inadvertent inconsistencies of language and to provide proper antecedent basis.

Claims 7, 8, and 9 have been amended to recite “the user-configurable authorization module”. These amendments are believed to provide proper antecedent basis for each of these claims.

Claim 10 has been amended to depend from claim 2. This amendment is believed to provide proper antecedent basis for “the controlling device”.

Claim 11 has been amended to depend from claim 10. This amendment is believed to correct the inadvertent dependence of claim 11 upon itself.

Claim 14 has been amended to recite “the device as one of a controlling device or a controlled device”. This amendment is believed to overcome the inadvertent inconsistencies of language for both claims 14 and 15.

Claim 17 has been amended to recite “detecting a passive participant and ~~the~~ authorizing ~~the~~ a detecting device to adjust the ~~detecting~~ device user interface of the detecting device”. This amendment is believed to provide proper antecedent basis for each of claims 17, 18 and 19.

Claim 22 has been amended to depend on claim 14 . This amendment is believed to provide proper antecedent basis for each of the limitations recited in claim 14.

In view of the above, each of claims 2, 3, 5–11, 14, 15, 17, 18, 19 and 22 is believed to particularly point out and distinctly claim the subject matter which applicant regards as the invention and, accordingly, is believed to overcome the 35 U.S.C. § 112, second paragraph, rejections. As such, withdrawal thereof is respectfully requested.

Rejections based on 35 U.S.C. § 102

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdeggal Brothers v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 2 USPQ 2d 1913, 1920 (Fed. Cir. 1989). *See also*, MPEP § 2131.

Claims 1–31 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,675,196 to Kronz et al. (hereinafter the “Kronz reference”). As the Kronz reference fails to describe, either expressly or inherently, each and every element as set forth in the claims as amended, Applicants respectfully traverse these rejections, as hereinafter set forth.

Independent claim 1, as amended herein, recites a system for facilitating interaction between a device and a device environment. The system includes a detection module for automatically detecting proximity of a participant within the device environment, a list of nearby devices for each device, and a user-configurable authorization module for authorizing the device to adjust a device user interface in a pre-determined manner in response to the detection of the participant.

The Kronz reference, on the other hand, describes a protocol and a method for facilitating communication between various electronic devices and the sharing of features, functionality and information between the devices. *See, Kronz reference* at col. 1, lines 57 – 60. The Kronz reference utilizes unique identifiers to describe the device types it supports and the services provided. This information is transmitted in a data packet between a server and a client device to describe the devices for which the server is able to provide one or more functionality.

Furthermore, each individual device or service identifier of the Kronz reference is sent as a single line of data and is limited to a maximum of 64 characters in length. *See generally, Kronz reference.* It is respectfully submitted, however, that the Kronz reference does not describe, either expressly or inherently, a system including “a list of nearby devices for each device” as recited in independent claim 1, as amended herein.

It is stated in the Office Action, with respect to now cancelled claim 12, that the system described in the Kronz reference does describe a list of nearby devices for each device. *See, Office Action* at page 9, ¶ 2. As support for this assertion, the Office relies upon col. 10, lines 13 – 17 of the Kronz reference wherein it is stated that “[t]hese devices and a non-exclusive list of services that might be offered by these devices are listed in Table 1, along with exemplary unique ids for the devices or services. It is respectfully submitted that the devices listed in Table 1 of the Kronz reference are not “nearby devices” as recited in amended independent claim 1 but rather are potential devices to be utilized with the protocol described in the Kronz reference, regardless of their proximity to a device environment. “Nearby devices” as recited in claim 1 of the subject application, are devices that are detected to be within proximity of the device environment. As such, the “list of nearby devices” of claim 1 is a dynamic list that changes as devices are brought within or taken out of proximity of the device environment. This is what makes the list a list of “nearby” devices rather than merely a device list. Contrarily, the list of potential devices referenced in the Kronz reference is a static list of devices that does not depend upon a device’s proximity to a device environment.

As the Kronz reference fails to describe, either expressly or inherently, each and every element of amended independent claim 1, Applicants respectfully submit that the Kronz reference fails to anticipate this claim. Accordingly, withdrawal of the 35 U.S.C. § 102(e)

rejection of this claim is respectfully requested. Each of claims 2–11 depends, either directly or indirectly, from independent claim 1. As such, it is respectfully submitted that the Kronz reference fails to anticipate these claims for at least the above-cited reasons. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(e) rejection of claims 2–11 as well. Claims 1–11 are believed to be in condition for allowance and such favorable action is respectfully requested. Claim 12 has been cancelled by way of the present communication and, accordingly, the rejection of this claim has been rendered moot.

Independent claim 13, as amended herein, recites a method for facilitating interaction between a device and a device environment. The method includes detecting a participant present within the device environment, maintaining a list of nearby devices for each device, and adjusting a device user interface based on user-configured rules set forth in a device authorization module in response to the detection of the participant. On the other hand, as previously set forth with regard to amended independent claim 1, the Kronz reference describes a protocol and a method for facilitating communication between various electronic devices and the sharing of features, functionality and information between the devices. *See, Kronz reference* at col. 1, lines 57–60. It is respectfully submitted, however, that the Kronz reference does not describe, either expressly or inherently, a system including “a list of nearby devices for each device” as recited in independent claim 13, as amended herein. Rather, the list of potential devices referenced in the Kronz reference is a static list of devices that does not depend upon a device’s proximity to a device environment.

As the Kronz reference fails to describe, either expressly or inherently, each and every element of amended independent claim 13, Applicants respectfully submit that the Kronz reference fails to anticipate this claim. Accordingly, withdrawal of the 35 U.S.C. § 102(e)

rejection of this claim is respectfully requested. Each of claims 14–22 depends, either directly or indirectly, from independent claim 13. As such, it is respectfully submitted that the Kronz reference fails to anticipate these claims for at least the above-cited reasons. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(e) rejection of claims 14–22 as well. Claims 13–22 are believed to be in condition for allowance and such favorable action is respectfully requested. Claims 23 and 24 have been cancelled by way of the present communication and, accordingly, the rejection of these claims has been rendered moot.

Independent claim 25, as amended herein, recites a system for sharing resources among multiple participating devices, each device having a device-specific set of application resources. The system includes a detection module for detecting proximity of a first participating device to a second participating device, a nearby device list for maintaining a record of device locations, and a configurable resource regulation mechanism for making the device specific application resources from the second participating device available to the first participating device. On the other hand, as previously set forth with regard to amended independent claim 1, the Kronz reference describes a protocol and a method for facilitating communication between various electronic devices and the sharing of features, functionality and information between the devices. *See, Kronz reference* at col. 1, lines 57–60. It is respectfully submitted, however, that the Kronz reference does not describe, either expressly or inherently, a system including “a nearby device list for maintaining a record of device locations” as recited in independent claim 25, as amended herein. Rather, the list of potential devices referenced in the Kronz reference is a static list of devices that does not depend upon a device’s proximity to a device environment.

As the Kronz reference fails to describe, either expressly or inherently, each and every element of amended independent claim 25, Applicants respectfully submit that the Kronz reference fails to anticipate this claim. Accordingly, withdrawal of the 35 U.S.C. § 102(e) rejection of this claim is respectfully requested. Each of claims 26 and 27 depends, either directly or indirectly, from independent claim 25. As such, it is respectfully submitted that the Kronz reference fails to anticipate these claims for at least the above-cited reasons. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(e) rejection of claims 26 and 27 as well. Claims 25, 26 and 27 are believed to be in condition for allowance and such favorable action is respectfully requested. Claim 28 has been cancelled by way of the present communication and, accordingly, the rejection of this claim has been rendered moot.

Independent claim 29, as amended herein, recites a method for facilitating resource sharing between multiple devices. The method includes allowing a user to configure regulation of shared resources between multiple participating devices, maintaining a list of participating devices based on proximity to a first participating device, and enabling regulation of device resources based on proximity of a first participating device to a second participating device, wherein regulation includes making device specific application resources of the first participating device available to the second participating device. On the other hand, as previously set forth with regard to amended independent claim 1, the Kronz reference describes a protocol and a method for facilitating communication between various electronic devices and the sharing of features, functionality and information between the devices. *See, Kronz reference* at col. 1, lines 57–60. It is respectfully submitted, however, that the Kronz reference does not describe, either expressly or inherently, a system including “maintaining a list of participating devices based on proximity to a first participating device” as recited in independent claim 25, as

amended herein. Rather, the list of potential devices referenced in the Kronz reference is a static list of devices that does not depend upon a device's proximity to a device environment.

As the Kronz reference fails to describe, either expressly or inherently, each and every element of amended independent claim 29, Applicants respectfully submit that the Kronz reference fails to anticipate this claim. Accordingly, withdrawal of the 35 U.S.C. § 102(e) rejection of this claim is respectfully requested. Each of claims 30 and 31 depends, either directly or indirectly, from independent claim 29. As such, it is respectfully submitted that the Kronz reference fails to anticipate these claims for at least the above-cited reasons. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(e) rejection of claims 30 and 31 as well. Claims 29, 30 and 31 are believed to be in condition for allowance and such favorable action is respectfully requested.

Rejections based on 35 U.S.C. § 103

A. Applicable Authority

Title 35 U.S.C. § 103(a) declares, a patent shall not issue when “the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” The Supreme Court in *Graham v. John Deere* counseled that an obviousness determination is made by identifying: the scope and content of the prior art; the level of ordinary skill in the prior art; the differences between the claimed invention and prior art references; and secondary considerations. *Graham v. John Deere Co.*, 383 U.S. 1 (1966).

To support a finding of obviousness, the initial burden is on the Office to apply the framework outlined in *Graham* and to provide some reason, or suggestions or motivations

found either in the prior art references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the prior art reference or to combine prior art reference teachings to produce the claimed invention. See, *Application of Bergel*, 292 F. 2d 955, 956-957 (1961). Thus, in order “[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success [in combining the references]. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” See MPEP § 2143. Recently, the Supreme Court elaborated, at pages 13-14 of *KSR*, it will be necessary for [the Office] to look at interrelated teachings of multiple [prior art references]; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by [one of] ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the [patent application].” *KSR v. Teleflex*, 127 S. Ct. 1727 (2007).

B. Obviousness Rejection Based on the Kronz and Srinivasan References

Claims 9, 21 and 27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kronz reference in view of U.S. Patent Application No. 2003/0037284 by Srinivasan et al. (hereinafter the Srinivasan reference). The Kronz reference and the Srinivasan reference, whether taken alone or in combination, fail to teach or suggest all the limitations of the rejected claims, as amended herein. Accordingly, Applicants respectfully traverse these rejections, as hereinafter set forth.

Claim 9 depends directly from amended independent claim 1, claim 21 depends indirectly from amended independent claim 13, and claim 27 depends indirectly from amended independent claim 25. Each of claims 1, 13 and 25 was discussed herein above with respect to the Kronz reference. As stated above, the Kronz reference fails to teach a “list of nearby devices” as recited in amended independent claims 1 and 13 or a “nearby device list” as recited in amended independent claim 25. It is respectfully submitted that the Srinivasan reference fails to cure this deficiency of the Kronz reference (nor is it relied upon for doing so). Rather, the Srinivasan reference discloses a way for a fault-tolerant server group to automatically resolve an inconsistent mastership situation in which an undesirable number of master server exist. *See, Srinivasan reference*, Summary of Invention; paragraph [0015]. It is respectfully submitted, however, that the Srinivasan reference does not teach or suggest a “list of nearby devices” or a “nearby device list”.

Further, the system of the Srinivasan reference does not include a user-configurable authorization module, as recited in amended dependent claim 9. A user is not permitted to determine which device should be the controlling device and the governing rules cannot be changed by a user. The method described in the Srinivasan reference is determined based on an algorithm with set rules and is invoked automatically.

Accordingly, it is respectfully submitted that the Kronz reference and the Srinivasan reference, whether taken alone or in combination, fail to teach or suggest all of the limitations of claims 9, 21, and 27. *See, In re Fine*, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988); *see also*, MPEP § 2143.01. Accordingly, withdrawal of the 35 U.S.C. § 103 rejection of these claims is respectfully requested. Claims 9, 21, and 27 are believed to be in condition for allowance and such favorable action is respectfully requested.

CONCLUSION

For the reasons stated above, claims 1–11, 13–22, 25–27, and 29–31 are believed to be in condition for allowance. Applicant(s) respectfully request withdrawal of the pending rejections and allowance of claims 1–11, 13–22, 25–27, and 29–31. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned by telephone prior to issuing a subsequent action.

It is believed that no fee is due in conjunction with the present communication. If this belief is in error, the Commissioner is hereby authorized to charge any additional amount required (or to credit any overpayment) to Deposit Account No. 19-2112, referencing attorney docket number MFCP.108793.

Respectfully submitted,

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